

45. Seeds obtained from the plants of claim 43 wherein said seeds comprise in their genome the two foreign nucleotide sequences of the plant of claim 43.—

Remarks

Claims 2- 40 have been cancelled, and claims 41-45 have been added. This case is a divisional application under 37 CFR §1.53(b). The present application is a divisional of Application No. 08/823,771 filed on March 24, 1997 which is a divisional of Application No. 08/474,633 filed June 7, 1995, which is a continuation-in-part of Application No. 08/178,212 filed January 6, 1994 (abandoned) which was a national filing of PCT/US93/02480 filed March 18, 1993 which is a continuation-in-part of Application No. 07/855,414 filed March 19, 1992 (abandoned).

Support for the new claims can be found in the specification and claims as originally filed. Thus, now new matter has been added.

Enclosed herewith along with this Preliminary Amendment are an Information Disclosure Statement setting forth all references which had been cited by Applicants or the Examiner in connection with the above-identified applications, a Petition and Amendment Correcting Inventorship Under 37 CFR §1.48 and a Request for Permission to Amend the Drawings Under 37 CFR §1.121(d).

Also enclosed are an Amendment and Petition to Correct Inventorship Under 37 CFR §1.48(b). This change is necessitated due to a restriction requirement in Application No. 08/823,771 filed March 24, 1997.

Please charge any fees which are required in connection with the filing of this Preliminary Amendment, Information Disclosure Statement and Petition and Amendment to Correct Inventorship Under 37 CFR §1.48(b) to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

*Lynne M. Christenbury*

LYNNE M. CHRISTENBURY  
ATTORNEY FOR APPLICANTS  
REGISTRATION NO. 30,971  
TELEPHONE: (302) 992-5481  
FACSIMILE: (302) 892-1026

Dated: Dec 17, 2001

10023065-121701